

transmitted from the proximal portion of the connector to the distal portion thereof to cause release and deployment of said marker element;

*B8  
(cont)*

a predetermined failure point in the distal region of said deployment actuator connector, wherein once the distal region of said member is positioned at said selected tissue location, the deployment actuator may be actuated to pull the marker element against the distal region of said member, said member distal region being adapted to function as a forming die to cause the marker element to bend until it encounters a stop designed into said member distal region, such that the marker element is reconfigured to a desired shape, the proximal portion of said connecting means being adapted to be severed from the distal portion at said predetermined failure point upon the further actuation of said deployment actuator after abutment of the marker element against said stop, thereby releasing and implanting said marker element;

wherein said marker element is adapted to become entirely implanted in said particular tissue area, such that no part of the marker element extends outside of said body.

---

**REMARKS**

Independent claim 1 has been amended, as have dependent claims 4, 5, 9, 10, 14, and 18, non-elected claims 19-34 have been canceled, claims 2, 3, 7, 8, and 13 have been canceled, and new claims 35-44 have been added. Reexamination and reconsideration of the current pending claims 1, 4-6, 9-12, 14-18, and 35-44 is respectfully requested.

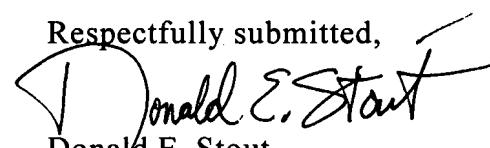
Responsive to the outstanding restriction requirement, Applicant respectfully elects the Group I invention (claims 1-18). Accordingly, non-elected claims 19-34 have

A-1028con  
USSN: 08/858,389  
July 13, 1998  
Page 7

been canceled.

In view of the foregoing amendments, Applicants respectfully submit that the application is now in condition for examination on the merits and for allowance over the prior art of record, and early notification of same is earnestly solicited.

Respectfully submitted,

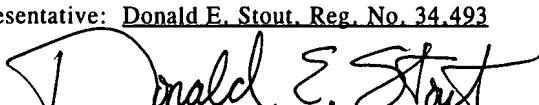
  
Donald E. Stout  
Attorney for Applicant  
Reg. No. 34,493

July 13, 1998  
Irvine, CA 92618  
949-450-1750

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the  
United States Postal service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

on Monday, July 13, 1998  
Registered Representative: Donald E. Stout, Reg. No. 34,493

Signature: 

Date: 7-13-98